

DATE: June 4, 1980

D MB 17

UNITED STATES GOVERNMENT  
memorandum

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REPLY TO  
ATTN OF

Counselor to the Attorney General

BOB MCCLORY

SUBJECT: Communication from Congressman Robert McClory

IL D.C.

to: William H. Webster  
Director, FBI

FEDERAL GOVERNMENT

Attached is a copy of a letter to the Attorney General, which I have acknowledged, giving the name of a knowledgeable person who is aware of potential criminal activities involving the doping of racehorses. You will note that Congressman McClory has offered to consult with you or your staff if you think it would be helpful.

the MISUSE OF DRUGS IN HORSE RACING

*[Handwritten signature]*

ENCLOSURE

W-38

DE-88

172-296-4

172-0-205

JUN 20 1980

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Ack  
6/17/80  
NB: jmb

6/12/80 contacted  
[redacted] Congressman  
Leon, [redacted] who  
concerned that letter from  
Do the Director to [redacted]  
+ make further [redacted]  
for [redacted]



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GSA FPMR (41 CFR) 101-11.6  
5010-112

AUG 29 1980

60

ROBERT MCCLORY  
13TH DISTRICT, ILLINOIS

ROOM 2469  
RAYBURN HOUSE OFFICE BUILDING  
(202) 225-3221

RANKING REPUBLICAN  
JUDICIARY COMMITTEE

PERMANENT SELECT COMMITTEE  
ON INTELLIGENCE

U.S. INTERPARLIAMENTARY  
UNION DELEGATION

# Congress of the United States

House of Representatives

Washington, D.C. 20515

May 29, 1980

## DISTRICT OFFICES:

KANE COUNTY  
MUNICIPAL BUILDING  
150 DEXTER COURT  
ELGIN, ILLINOIS 60120  
(312) 697-5005

LAKE COUNTY  
COUNTY BUILDING  
18 N. COUNTY STREET  
WAUKEGAN, ILLINOIS 60085  
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15 N. WILLIAMS STREET  
CRYSTAL LAKE, ILLINOIS 60014  
(815) 459-3800

DOJ MAIL  
REFERRAL UNIT  
APHS/OHF

2 1 55 PM '80

RECEIVED 1

Hon. Benjamin R. Civiletti  
Attorney General  
U. S. Department of Justice  
Washington, D. C. 20530

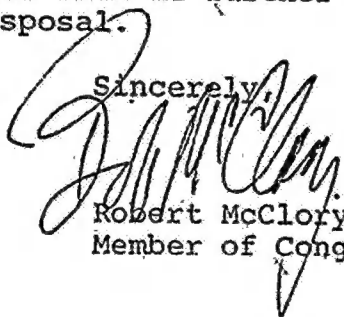
Dear Ben:

In line with my earlier communication with you urging the establishment of a "strike force" to investigate the problem of doping of racehorses, I am advised that communications and inquiries should be directed to Mr. [redacted] (telephone: [redacted]) who is very knowledgeable of potential criminal activity in the state of Illinois and perhaps elsewhere.

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In the event that you or members of your staff wish to consult with me further on this matter, I will be at your disposal.

Sincerely,



Robert McClory  
Member of Congress

RM:clt

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OFFICE OF THE  
ATTORNEY GENERAL  
JUN 3 1980

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DEPARTMENT OF JUSTICE
JUN 2 1980
O.R.O.D.
OFFICE OF LEGISLATIVE AFFAIRS

CRIMINAL DIVISION  
Organized Crime and Racketeering

ENCLOSURE



172-296-4X

**THE MISUSE OF DRUGS IN HORSE RACING**



**Save America's Horses  
Barrington, Illinois**

# **THE MISUSE OF DRUGS IN HORSE RACING**

## **A Survey of Authoritative Information on Medication of Race Horses**

Prepared for the  
Illinois HooveHumane Society

by  
Robert O. Baker

Published by  
Save America's Horses  
Illinois Hooved Animal Humane Society  
Box 262 Barrington, Illinois 60010

A Not for Profit Organization  
Chartered by the State of Illinois

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1978-1979

172-296-4X



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Chicago, Illinois

June 13, 1980

In Reply, Please Refer to  
File No. 172-67

THE MISUSE OF DRUGS IN HORSE RACING;  
POSSIBLE SPORTS BRIBERY MATTER

By letter dated April 24, 1980, U.S. Congressman Robert McClory (Republican - Illinois), advised the U.S. Department of Justice that his constituent, [REDACTED], [REDACTED] Illinois, could provide extensive information regarding "the large-scale drugging of race and show horses, in which the crime syndicate is reputed to be involved".

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It is noted that [REDACTED], supra, contacted the Chicago Office of the FBI and furnished information regarding the drugging of race horses in the Chicago area. She stated that [REDACTED]

[REDACTED] by Governor Thompson, is possibly involved in the illegal drugging of race horses, along with [REDACTED], and [REDACTED] (First Name Unknown - FNU) [REDACTED]. She stated that [REDACTED].

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[REDACTED] Illinois, has additional information regarding this. He further advised that [REDACTED] appeared on the [REDACTED] and commented on the use of narcotics in horse racing.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.



THE MISUSE OF DRUGS  
IN HORSE RACING

On May 16, 1979, [ ] was interviewed by the Chicago Office of the FBI. A copy of that interview is attached to this communication. The facts of the allegation made against [ ] and [ ] and (FNU) [ ] were discussed with Assistant United States Attorney (AUSA) [ ] on July 10, 1979. AUSA [ ] stated that administering a controlled substance to a horse in Illinois is considered a Class IV felony under state law and that this would not be a sufficient element to invoke the racketeer influenced and corrupt organization (RICO) statute under federal law. Therefore, he declined prosecution.

In view of the opinion of the AUSA, no further investigation was conducted by the FBI.

On June 5, 1980, [ ] was recontacted regarding this matter. A copy of the interview of [ ] is attached to this communication.

On June 10, 1980, AUSA [ ] was recontacted regarding this matter. After being appraised of the fact and of the reinterview of [ ], AUSA [ ] advised that the information, as stated, still does not constitute grounds for a federal investigation. He stated that in the absence of specific allegations, he does not feel that further investigation by the FBI in Illinois is warranted at this time.

On June 9, 1980, Special Agent (SA) [ ] [ ], Drug Enforcement Agency (DEA), Chicago, Illinois, advised that there are currently no investigation being conducted in the Chicago area regarding the use of narcotics in horse racing.

THE MISUSE OF DRUGS  
IN HORSE RACING

On May 28, 1980, SA [REDACTED]

[REDACTED] Illinois Department of Law Enforcement, advised that his department had attempted to interview [REDACTED] regarding allegations concerning the use of the drug Talwin at Maywood Race Track, Maywood, Illinois. In a letter sent to the Illinois Racing Board on [REDACTED] made a statement that [REDACTED]

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[REDACTED] refused to be interviewed by the Illinois Department of Law Enforcement, stating that she would only testify before a grand jury.

SA [REDACTED] stated that [REDACTED] will be subpoenaed to appear before the Illinois Racing Board to present her testimony regarding the use of Talwin at Maywood.

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SA [REDACTED] further advised that in April, 1980, the Illinois Racing Board took action against several individuals for the use of Talwin at Maywood Race Track.

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## FEDERAL BUREAU OF INVESTIGATION

- 1 -

Date of transcription 5/18/79

[redacted] Illinois Racing Board Laboratory, 1540 South Hannah, Forest Park, Illinois, telephone number 771-4750, furnished the following information:

He has been employed with the Illinois Racing Board Laboratory for [redacted] Prior to that, he worked [redacted] His duties with the Illinois Racing Board Laboratory includes the examination of urine samples from race horses throughout the state to determine whether any have been injected with a controlled substance. By State law, the winners of all races must have their urine samples examined. Other horses in the race may also be examined, depending on the discretion of the State Steward and Track Stewards, who observe the races. The urine samples are taken from the horse under the direction of the Illinois State Veterinarian after each race, and then forwarded to [redacted] laboratory for analysis.

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In late 1974, he detected apimorphine, a controlled narcotic, in 84 different horses. Through an examination of the records, he discovered a pattern which involved 26 trainers and two veterinarians all being involved with these 84 horses. [redacted] and [redacted] served as the veterinarians for these horses. From 1975 - 1976 a hearing was conducted by the Illinois Racing Board. The Board determined that no administrative or criminal action would be taken against the 26 trainers and [redacted] case is still in some sort of appeal status according to [redacted].

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[redacted] advised that [redacted]

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[redacted] stated that administering a controlled substance to a race horse is considered a Class IV felony in Illinois.

Interviewed on 5/16/79 at Forest Park, Illinois File # Chicago 183-812-2

by SA [redacted] RLJ/hey Date dictated 5/17/79

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CG 183-

[redacted] has appointed [redacted]  
[redacted] of the Illinois Racing Board. [redacted] is  
[redacted] who specializes in providing [redacted]  
[redacted] who invest in horses. [redacted] also owns  
[redacted] Illinois, and has been involved  
with race horses for a number of years. [redacted] was a  
[redacted] There  
are a total of seven Board members, and the others include:

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[redacted]

[redacted]

[redacted]

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Joseph Kellman, owns Globe Glass Company

[redacted]

[redacted]

The Illinois Racing Board office is located on  
the tenth floor, 116 North LaSalle, Chicago, Illinois.

Soon after [redacted]  
[redacted] developed a technique and the necessary  
equipment to detect the drug sublimaze in the urine samples  
of horses as far back as 1974. Sublimaze is an extremely  
potent narcotic, which is 100 times more powerful than  
morphine. When [redacted] told [redacted] that he was able to  
conduct examinations for this drug, [redacted] told him [redacted]  
[redacted]

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In April 1978, [redacted] told [redacted] that he has  
detected 40 cases of sublimaze in horses which raced between  
January and April, 1978 in Chicago area race tracks, and he  
was preparing to file a report. After April, 1978, all of  
a sudden, he stopped receiving urine samples with any evi-  
dence of sublimaze. [redacted] feels that [redacted]  
[redacted]

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[redacted] Not until around June of 1978,  
did he begin to detect sublimaze in a few samples again.

CG 183-

[redacted] was later advised of a new policy set forth by the Racing Board. This new policy instructed [redacted] and the Racing Board Laboratory not to conduct any examinations beyond June 1, 1978. The Illinois Department of Law Enforcement (IDLE) has also discontinued its investigation of the 40 sublimaze cases as a result of this policy.

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[redacted] also discovered that [redacted] was the owner of [redacted]. According to the records, [redacted] was the veterinarian for [redacted] and [redacted] was the trainer. [redacted] was one of the 26 trainers involved with [redacted] in the apimorphine scandal. The urine sample for [redacted] was destroyed before [redacted] could examine it.

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[redacted] and commented on the use of illegal drugs in horse racing.

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## FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 6/12/80

[redacted]  
Illinois, telephone [redacted], was advised of the identity of the interviewing agent and advised as follows:

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[redacted] stated that she is the [redacted]  
[redacted]  
[redacted]

She stated she is very active in a national campaign to have the use of drugs and narcotics banned from horse racing.

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[redacted] stated that she feels that narcotics are being transported interstate through veterinarians and horse trainers and are being misused in the horse racing industry in possible violation of federal state narcotic laws. Through the widespread use of drugs in horse racing there is a danger to horses and the riders. She also stated that the use of some drugs which are presently legal in racing, such as butazolidin and Lasix, can mask the use of illegal drugs, making detection of stimulants or depressants difficult or impossible.

[redacted] further stated that she believes that there is a conflict of interest involved in the appointment of [redacted] of the Illinois State Racing Board.

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She further stated that from comments made to her by others she feels that organized crime is involved in running race tracks in Illinois and in skimming operations at the track. She stated that she has no direct information regarding these allegations about organized crime involvement but stated that it is reasonable to assume that they could be involved in race fixing since they have been involved in such activities in other states. She suggested that additional information regarding the drugging of race horses and other illegal activities could possibly be obtained from the following individuals:

Investigation on 6/5/80 at Barrington, Illinois File # CG 172-67

by SA [redacted] /dlh Date dictated 6/11/80

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[redacted]  
Illinois Department of Agriculture  
[redacted] is on the [redacted]  
[redacted]

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[redacted]  
Food and Drug Administration  
Rockwell, Maryland

[redacted]

[redacted]  
[redacted]

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[redacted]  
[redacted]

Illinois Racing Board Laboratory

She stated she feels that narcotics are being used on horses in violation of state laws and races are being "fixed" through the use of narcotics.

She stated that she also has a complaint against the racing industry in general in that they develop horses too soon and through the use of drugs destroy the horses while allowing them to race. She noted that although horses do not mature until they are approximately five years old, it is common practice to race two and three year olds.

She also advised that she has communicated with [redacted], New Mexico. [redacted] is the [redacted] in New Mexico and discovered a narcotic being used at the tracks in New Mexico which resulted in the death of several horses. After taking his findings [redacted] another veterinarian, who apparently does not question drugging activities, was hired in his place. She stated [redacted] can be contacted at [redacted]

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[ ] New Mexico, telephone [ ]

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[ ] stated that in addition to the people listed above, the following might also be able to furnish information regarding horse racing in Illinois:

[ ]  
telephone [ ]  
[ ]

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[ ]  
[ ] Illinois Racing Board who  
[ ]

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[ ]  
Member of the Illinois Racing Board

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[ ]  
[ ] Illinois  
[ ] of the Illinois Racing  
Board [ ] of the Illinois Department  
of Law Enforcement.

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[ ]  
[ ]  
[ ] Illinois  
Member of the Illinois Racing Board

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[ ]  
[ ] Illinois  
Member of the Illinois Racing Board

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[ ]  
[ ] Illinois Racing Board



[redacted] the Illinois Racing Board  
[redacted]  
telephone [redacted]

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[redacted] stated that she feels that there is  
a conflict of interest with regard to some of the appointments  
made to the Illinois Racing Board. She feels that [redacted]  
[redacted] would be  
a good case and point. Prior to [redacted] was  
[redacted]  
[redacted] in Illinois. She stated that [redacted]  
and (FNU) [redacted] were both involved in illegal  
drugging of race horses in Illinois and both were associated  
with [redacted].  
[redacted] in Illinois.  
[redacted] ordered [redacted] for the  
State of Illinois Laboratory, Chicago, Illinois, to destroy  
records pertaining to [redacted] She stated that [redacted]  
has [redacted]  
[redacted] and commented on the widespread use of narcotics  
in horse racing.

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She stated in approximately February of 1980,  
she received three or four anonymous calls and several calls  
from people who are known to her, including an owner and a  
trainer, stating that the drug Talwin was being used at the  
race track in Maywood, Illinois. She prepared a letter with  
this allegation and sent it to all racing commissioners in the  
United States and Canada including the commissioners in the  
state of Illinois as well as to Governor Thompson of Illinois.

She stated that one of the investigators for the  
Humane Society has witnessed the use of illegal drugs at  
tracks in Illinois and that she has also received another  
complaint from an owner whose veterinarian was using something  
on his horse and did not tell him what it was. When the  
horse later became sick she was able to find out that the drug  
used on the horse was an illegal narcotic.

She also stated that she has heard allegations of corruption within the court system in Illinois. A [redacted] was found by the Racing Board to have used stimulants on ten horses, however his suspension by the Illinois Racing Board was blocked on a ruling of Judge Raymond Berg in Chicago. This decision is being appealed by the Racing Board.

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[redacted] stated that in January of 1981, Illinois will go to new rules recommended by the National Association of State Racing Commissioners. These rules will greatly reduce the use of drugs within the state of Illinois. She stated that Illinois presently allows certain drugs to be used, within limits, to control pain in horses. Stimulants or depressants cannot be legally used. She further stated that steroids are not suppose to be used on two year olds but are allowed on older horses. She stated the use of steroids cannot be detected by laboratory analysis.

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She further stated that 40 to 60% of the horses racing are given drugs such as Lasix to control internal bleeding. This drug will mask the use of other drugs which may be administered illegally.

[redacted] stated that in July, 1979, a reporter for the St. Louis Post-Dispatch, [redacted], was going to do an-expose on Illinois racing but was "pulled off" by his paper.

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She also advised that on May 13, 1979, CBS' "60 Minutes" did a piece entitled "Doping of Horses". She stated that "60 Minutes" is planning to do a follow-up to this story.

[redacted] stated that, in summary, she believed that drugs are being transported interstate through veterinarians and/or trainers and are being misused in possible violation of federal and state narcotic laws. .

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She stated that because of the misuse of drugs in the horse racing industry there is a constant danger to horses and riders because they are racing injured animals. She stated that she also feels that there is a conflict of interest in some racing board members and specifically [redacted] of [redacted] Illinois Racing Board in that [redacted] ordered blood and urine samples destroyed by the Illinois State Laboratory.

[redacted] made available several copies of a book entitled "The Misuse of Drugs in Horse Racing" by Robert O. Baker. This book was published by the Illinois Hooved Animal Humane Society and is a study of the use of drugs in horse racing. She also made available copies of other articles pertaining to the misuse of drugs in the horse racing industry.

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United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 126

WASHINGTON, THURSDAY, MAY 1, 1980

No. 69

## House of Representatives

### *New Law Needed to Curb Doping of Race and Show Horses*

#### NEW LAWS NEEDED TO ATTACK DOPING OF RACE AND SHOW HORSES

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1980

Mr. McCLORY. Mr. Speaker, there is great concern among those who know and love horses that performance-altering drugs are corrupting the competition and breeding of horses, thereby jeopardizing our Nation's great race and show bloodlines.

The United States is the only country that permits the practice of drugging and numbing of race and show horses. Although various racing States have legalized what is termed "controlled medication," it is anything but that. Horseracing is fast becoming drug dependent. Many of the medications used are illegal and untested; some have been legalized, but all are inadequately controlled at the State level. While they push for increased revenues from racing, prolonged seasons, and lenient drug and training policies, State legislatures are ignoring the limitations of the horse as a living creature. The artificial means employed to enhance a horse's money-making capacity defeat the integrity of the sport and discourage its supporters.

Over 1,000 drugs are presently undetectable by current laboratory testing methods. Stimulants, tranquilizers, hormones, painkillers, and anti-inflammatory drugs make an animal run fast or slow, appear sound when lame, stop bleeding from the lungs, and do just about anything required of the immediate situation. Permitted drugs such as phenylbutazone and lasix mask the presence of other substances as well as the symptoms of injury, leaving the horse unsound and unhealed. The inevitable result is a

hopelessly crippled horse. If he lives long enough to undergo repeated medication.

More imminent is the danger of a breakdown—the occurrence of a leg snapping or shattering under the enormous stress of overuse while racing. These incidences have increased dramatically since the 1960's, when drugs became commonplace in horseracing. When these animals suffer breakdowns, they are destroyed at the track, sometimes not until days later when the insurance company has verified the situation, while many others must endure a long trip to the pet food factories or to Canada for human consumption.

Unnaturally inspired performances mislead breeders, who select winners, in whom drugging and numbing has overcome poor conformation, arthritic joints, and other undesirable infirmities that can be passed on. A further detriment to quality in breeding is hormone and steroid interference with breeding ability.

Mr. Speaker, the Corrupt Horseracing Practices Act would prohibit the practice of numbing and drugging of horses in competition and would aid the States in testing and enforcement procedures. A horse that needs medication to race should not race. He should, instead, be allowed to heal naturally, compete fairly, and to lead a useful life.

Mr. Speaker, my constituent, Mrs. Donna Ewing, president of the Illinois Hooved Animal Humane Society, has been in the forefront of seeking protection against the inhumane and rapid proliferation of administering performance-altering drugs to race and show horses. Despite her diligent personal efforts, including cooperation with various racing boards and with horse owners and breeders, as well as distinguished and highly ethical veterinarians, the problem persists and requires extensive State and national legislative action.

Mr. Speaker, my colleague from Minnesota, Congressman Bruce Vento, and I have conferred on this critical subject and are cooperating in the cosponsorship of the Corrupt Horseracing Practices Act, in which we invite other colleagues to join as cosponsors. Mr. Speaker, in my view, this legislation could provide a vehicle under which the Federal Government could correct many of the current abuses, some of which indeed should be classified as criminal.

Mr. Speaker, I am hopeful that early hearings on this legislative initiative may be undertaken and that the Congress may act promptly to pass this urgent legislation.



# THE EQUINE PRACTITIONER

## FEDERAL DRUG CONTROL INEVITABLE: Patterson Warns

Arthur W. Patterson, VMD, is the Equine Veterinary Medical Officer of the Bureau of Veterinary Medicine, U.S. Food and Drug Administration (FDA) and, as such, is recognized internationally as an expert on drugs and horses.

Any new drug for horses must be personally reviewed and recommended by Patterson before it can be marketed in this country.

Having practiced equine veterinary medicine for many years in Pennsylvania, 20 of them as resident veterinarian at Hanover Shoe Farm, Patterson brought to his office a large measure of practical experience. Since joining FDA in the mid-1960's he has become an advocate of federal control of equine medication.

Patterson's position offers a rare vantage point from which to view equine veterinarians, horsemen and drugs, and the collision course on which they seem to be set, as well as the drastic effect which reclassification of the horse by FDA would have on each of us.

**THE EQUINE PRACTITIONER (TEP):** *From where you sit, how does the future look for the practicing equine veterinarian's access to drugs to treat horses?*

Patterson (P): Most veterinarians are fine professionals and a credit to their colleagues, but a few are dragging the profession into the very worst of times as a result of their absolute abuse of drugs with horses.

I've been on both sides of the fence. I know what's going on out there and can only believe that when the time comes the veterinary profession is not going to have a leg to stand on in opposition to the federal drug controls brought about by these drug abuses.

You have to understand that the FDA, thanks to the 1962 Kefauver amendment resulting from the thalidomide tragedy, is almost solely concerned with the control of human drugs. To FDA, the concerns of veterinarians, especially a subgroup like equine veterinarians, are of very little importance.

The American Veterinary Medical Association (AVMA) is supposed to be the champion of the veterinarians' cause, but I just don't think it will have the resources to withstand the wave of regulations headed its way.

What's more, the AVMA, by not enforcing a stringent code of conduct among its members, is contributing to an erosion of public confidence in the veterinary profession that is going to be especially damaging when push-comes-to-shove over these drug issues.

The amount of publicity that has been generated over drug abuses in racing, showing and so forth, is stirring the fires of regulation ... and I'll tell you, the AVMA and the American Association of Equine Practitioners are not going to like the results ... the laws, the regulations.

TEP: At the American Horse Council's drug seminar in June the feeling among attendees seemed to be that the drug abuse problem has been blown out of proportion; and, while there is a problem, it is a small one and they are making gains in fighting it themselves.

"... the  
veterinary  
profession  
is not going  
to have a leg  
to stand  
on ..."

"For every step they take toward improving regulation, they take two steps back."

P: Well, I listened to those people too, and from the podium you'd think they don't know what is going on. But you get them alone, one-on-one, and they'll admit how bad the situation really is.

For every step they take toward improving regulation, they take two steps back. Illinois finally lays down some laws on butazolidin, but then they permit the use of Banamine and Arquel. Well, what have they gained? We know what Banamine does when used as it is supposed to be; but if horses are given two, three, maybe four times the recommended dosage, we haven't any idea yet what effect that will have on the horse's performance.

They have drugs around the track that haven't even been named yet. They go straight from the pharmaceutical houses to trainers to be tested ... there is a black market both in domestic drugs and drugs coming in from out of the country ... there is no way we can keep pace.

You ask me if there is really that big a problem. Frequently I get calls from the Federal Bureau of Identification, the Drug Enforcement Administration (DEA) and they've caught a fella with thousands of doses of narcotics. These aren't amateurs; these are criminals, with class two and three drugs, and these drugs are allegedly intended for the equine industry.

People only hear about the tip of the iceberg ... convictions are tough to get, expensive to get ... and when they do get a conviction, what happens? The associations that represent these individuals close ranks, administer a slap on the wrist and the guilty parties are out plying their trade again before you know it. Because of these abuses, I sincerely believe we're going to see passage of legislation that is calamitous to the veterinary profession. Not that anyone is out to get the veterinarians; they're just going to be victims of the drive to clean up this nation's terrible drug problem.

The drug industry is fast moving into the era of androgenous drugs. These are substances that the body normally produces to induce a response in a target organ. These are some of the most powerful substances that we have isolated; and they will be administered in miniscule doses, for example, 0.015 milligrams per pound. The kinds of equipment needed in racing laboratories to detect traces of these drugs are very expensive and, in some cases, still years away from development. Obsolescence in present laboratory instrumentation is at hand, and the detection of many of these new products is going to be an almost insurmountable challenge.

The only resolution I see to the problem is the involvement of the federal government and its capability of funding the kinds of equipment and research that will be needed to carry out the control of drugs in the competitive horse.

If the controls I foresee come to pass, then you are going to see the administration of the law passed on to the DEA, and there will be some real muscle behind the law.

The bottom line is economics. That's why the industry may never clean itself up. It's too ingrained. Too many jobs, too many dollars depend on maintaining the status quo; and that's why the federal government will be in there in the next three to six years doing the job for them and costing them a great deal in the process.

I place the blame squarely on the shoulders of the industry's leaders. Where is the moral leadership? I see brilliant young scientists, men and women who have a great deal to offer, and what are they doing? They're spending their energies chasing after each other in this vicious circle of drug abuse. The loss to the public goes far beyond a miswager here or a lost ribbon there. Drug abuse is costing every one of us a fortune in dollars, talents and time.

"What can  
we do? We've  
got to  
compete."

There are good people out there who say, "What can we do? We've got to compete, we've got to make a living." And then you've got the greedy. Well, greed is a hard thing to fight; so we're going to have to help them control their greed -- with stiff regulations, serious prosecution and firm penalties. The federal government is the only body I can see with the money to do it.

TEP: *If we grant that all the things you say are true, but are reluctant to accept federal control of equine medication as the answer, can you propose any other solutions?*

P: No. I wish I could. The drug problem in this country is so out of hand that I don't see any one state or group of states that has the power or the resources to do the job.

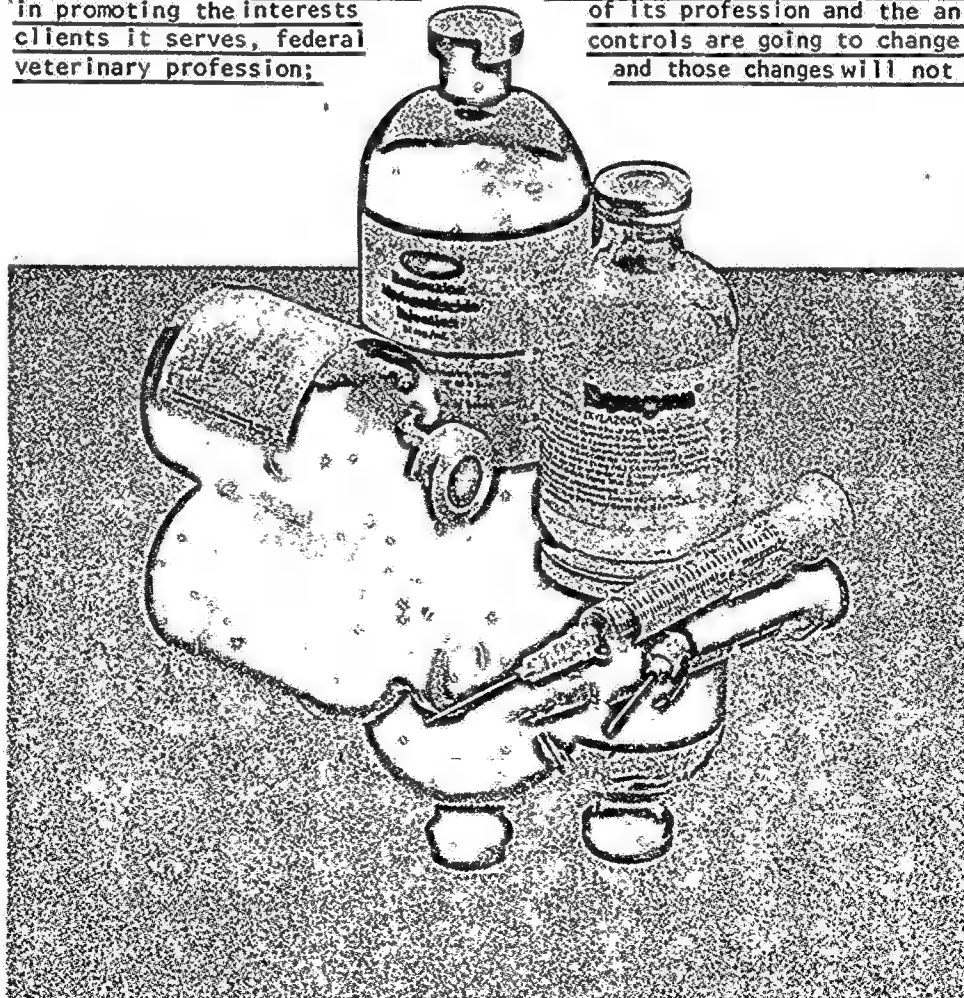
The professional and industry associations have been warned for years that they are putting the noose of big government around their own necks, but their response has been inadequate.

The veterinarians out there in the field, well, you don't tend to hear from them until the boom's been lowered. They get the notice of the regulation, and they yell bloody murder. We will ask them, where were you when the issue was on your congressman's desk; where were you when the bill was in committee; and where were you when the bill was on the floor being voted into law?

Unlike the American Medical Association, the AVMA is not a terribly wealthy organization. Those fellows need all the help they can get from their members.

TEP: *If you had one statement to make to the equine veterinary community, what would it be?*

P: I'd like to get the message across that unless the veterinary community assumes its responsibility in cleaning up this drug abuse problem, and in promoting the interests of its profession and the animals and clients it serves, federal controls are going to change the veterinary profession; and those changes will not be reversible.





# Reclassification, Availability, And Research

TEP: What will it mean to equine veterinarians if, and when, the horse is reclassified by the FDA and considered a food-producing animal?

P: As you know the U.S. Department of Agriculture and the Environmental Protection Agency already classify the horse as a food animal.

Sometime during the 1980's, this agency is going to have to look at this question very seriously. More and more horses are being slaughtered for meat, and that meat is entering the human food chain.

It's only a matter of time before some consumer organization, or other group, will force this agency to take a stand; and the only stand it can take is to declare the horse a food animal. Millions of pounds of meat are presently being sent overseas; and as prices and shortages of beef rise, more and more horses will go into the food chain of the American people.

This will force this agency to classify the horse as a food animal. When this happens, legally, the only drugs that can be used in the horse will be those approved by the FDA for use in the horse. And there are, as we all know, very few of these.

Veterinarians today use many, many human drugs for which the safety and efficacy of use in horses has not been determined, but which the veterinarian, by practicing his art, has learned to use successfully. If the horse is declared a food animal, that will mean that these human drugs will no longer be available, legally, for veterinarians to use. The enforcement problems at that point are going to be horrendous.

TEP: The FDA's standards of safety and, particularly, efficacy, are depriving veterinarians of some of the most useful, convenient drugs we have. Why can't the "grandfather" consideration afforded earlier be continued?

P: Read the law.

FDA doesn't make the laws, we enforce them; and the law, written by your legislators, clearly sets the requirements for drug approval.

"The  
pharmaceutical  
companies  
... are  
unwilling  
to make the  
investment  
..."

The pharmaceutical companies that produce these drugs for horses are unwilling to make the investment in testing that might allow for their approval. And you can't blame them. The tests for approval can cost millions, and their marketing experts tell them they won't be able to make a profit. But should the taxpayer have to pay for it? So these drugs simply are not going to become available.

TEP: Is there any way that the drug industry can be encouraged to create drugs for which there is a relatively small market, as in the case of the equine market?

P: There is absolutely no way under the American system to force a manufacturing firm or a drug firm to produce a product.

It is my judgment that funds necessary for background research on equine drugs and new instrumentation are going to have to come from the horse industry .... One-half of one percent taken off the money wagered at the tracks would more than finance the expenses that would be incurred. This would be a tremendous sum of money.

We have men and women with the knowledge and the ability to improve the health care of our horses in universities and laboratories throughout the country who are just waiting for the funding they need to do their work.

Of course they'd have to study and work out procedures for collecting and distributing the funds, but it is possible and the industry would have to take the lead.

TEP Special Report is a bonus feature of THE EQUINE PRACTITIONER and will appear numerous times throughout the year. Each TEP Special Report will address a subject of particular interest to equine veterinarians in greater depth than allowed within our regular format.

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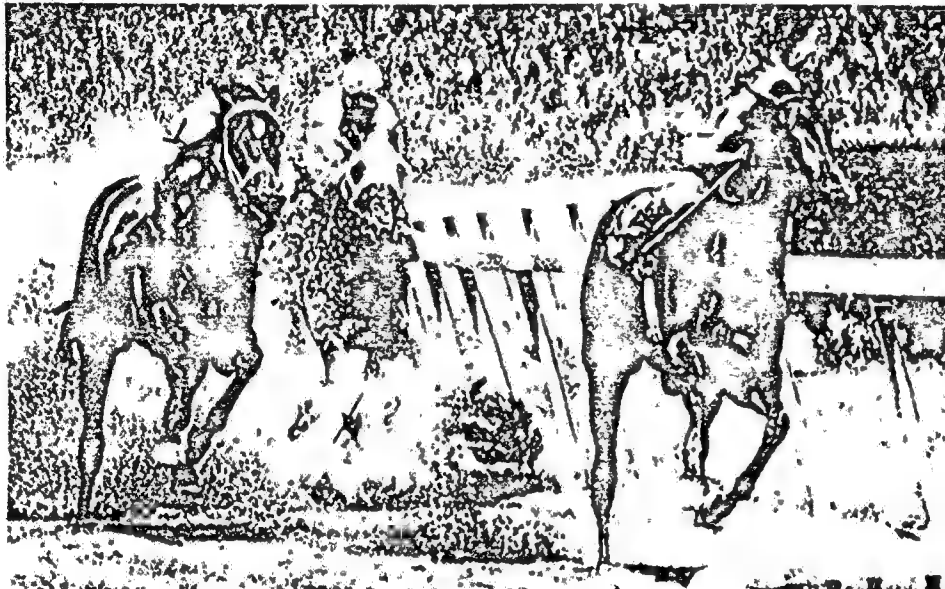
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OF THE UNITED STATES

# **The Humane Society**

## CLOSE-UP REPORT

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**HSUS Working  
To End Use  
Of Drugs  
At Tracks—  
New Bill  
Introduced In  
House & Senate**

# **DRUGS & HORSE RACING**



Scenes like this have become all too common in recent years. Racing under the influence of pain-killing drugs, previously injured horses are breaking down on the track causing multiple bone-breaking spills. The result is a pile-up of horses falling on top of one another often trampling jockeys and each other. Most of the jockeys ride again. Unfortunately many of the horses have to be destroyed.

The sport of kings has become the sport of drugs. The

HSUS has been exposing this cruel business before state racing commissions, state legislatures, and the Congress. We are winning the battle to end drug abuse, damage, and death to racehorses.

Our work over the past year has resulted in the introduction of federal legislation designed to establish minimum standards for anti-drugging rules, testing procedures, penalties, and legal guidelines.

Following this spill at a quarter horse race, the horse on the left had to be destroyed. All such spills cannot be blamed on drugs. However, there has been a dramatic increase in spills since the relaxation of drug rules.



All Photos by UPI

## Why Do We Need Federal Regulation?

"During this time in our history when feelings against all kinds of federal regulation are running high, it may seem inappropriate to suggest more regulation," said HSUS president John A. Hoyt. "But the horse racing industry must be an exception to the rule. The racing states and various horse racing industry groups have not been able to get together to clean up this interstate problem. The HSUS has decided to do something about it—for one reason—to help the horses!"

Facts, which clearly illustrate the drug dilemma, can be found in the regulations regarding "permissible drugs" in the states. Arkansas law only allows one drug to be present in the horses prior to post time. Kentucky, on the other hand, allows as many as 40 drugs. New York is the only major racing state which prohibits all drugs.

To make matters worse, state racing officials frequently make known beforehand the names of the drugs they are capable or likely to test for. When this happens, the trainers switch to other drugs. Thousands of drugs can satisfy the manipulative needs of trainers. It is a simple matter to switch over. And many drugs cannot be detected because tests have not been developed to detect them. This is why one of the key points in the new legislation would allow authorities to freeze blood and urine samples when abuse is suspected. In this way, the samples can be checked later when tests have been developed.

Arthur Patterson, VMD, Equine Specialist at the Bureau of Veterinary Medicine of the Food and Drug Administration, has been monitoring the drug abuse problem for years. He has seen it grow, and he is pessimistic about the future of horse racing. "This is an enormous problem," he told *The Professional Horseman* newsletter, "and I don't see any other state, or group

of states, with the intention to muzzle the drug abuses that are eating the horse industry alive."

Patterson blames the Jockey Club, the American Horse Council, the Thoroughbred Breeders and Owners Association, the U.S. Trotting Association, and other industry groups. He asks, "But where is moral leadership?"

Equine veterinarians are not blameless in this pitiful abuse of horses either. It is they, in fact, who obtain and administer the drugs.

In his book, *The Misuse of Drugs in Horse Racing*, Robert Baker says the permissive medication laws are "economically advantageous" to racetrack veterinarians. Baker says that "at some tracks ninety percent of all horses racing receive some form of medication, such as an injection of Butazolidin, an injection of steroids, a pre-shot containing hormones, and possibly a Lasix injection."

A more stinging condemnation of racetrack vets comes from Ted Atkinson, a former racetrack steward from Illinois. He told a meeting of the American Association of Equine Practitioners, "It seems evident that too many vets are simply filling orders from the trainers rather than practicing veterinary medicine. To put it bluntly, this can certainly be termed a prostitution of the profession."

Even the criminal element is encouraged by the lack of organized enforcement and regulation. After being apprehended by the FBI, career race-fixer Tony Ciulla admitted to rigging several thousand races at 39 tracks. According to a *Sports Illustrated* article, Ciulla experimented with a number of different drugs obtained from bootleg suppliers. Some worked, some didn't. And one drug killed a horse.

There is overwhelming evidence to suggest that permissive medication programs

lead to a widespread drug abuse problem at the track. Racing officials admit more unsound horses are running and their injuries are both more frequent and more severe.

In his book *Betting Thoroughbreds: A Professional Guide for the Horseplayer* author Steven Davidowitz says:

*On the first Sunday in May 1968 the ninety-fourth running of the Kentucky Derby was decided in the laboratory of the state chemist. A small trace of the prohibited painkilling drug phenylbutazone was found in the urine sample of Dancer's Image, the winner of the world's most famous horse race. Thoroughbred racing in America hasn't been the same since.*

Rather than tighten up the pre-race administration of this drug, the majority of state racing commissions went on to legalize it.

### Some Common Track Drug

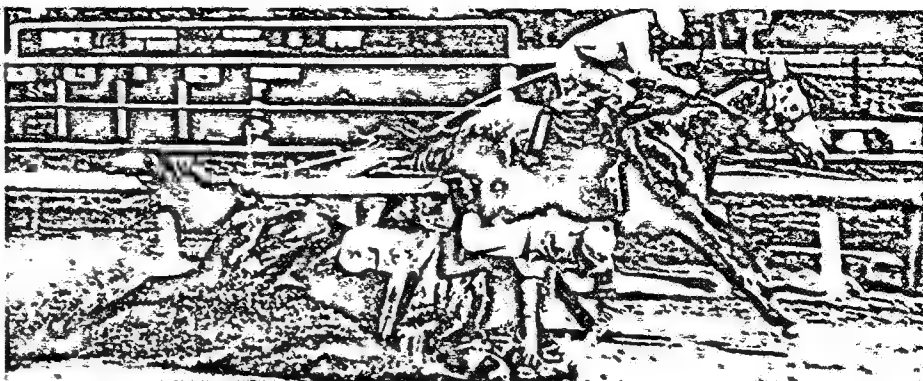
DRUG	RESULT
Phenylbutazone "bute"—nickname Butazolidin—brand name	Bute is an anti-inflammatory painkilling drug. Irritation of mouth allows sore, injured horses to race.
Furosemide Lasix—brand name	Supposedly used to bleed. Makes it difficult to give other drugs in urine known to reduce the effect of some illegal drugs 40-50 fold.
Adrenal Corticosteroids cortisone prednisone etc.	Reduction or halt in bone decalcification. Continuous use makes the body's immune system poor functioning glands. Known to cause temporary sterility.
Sublimaze "Rocket fuel"—nickname	Narcotic. More potent than morphine. Stimulant in horse.
Stadol	Narcotic antagonist. Stimulant in horse.
Acupan	Powerful synthetic stimulant in horse.
Procaine	Local anesthetic.
Acepromazine	Tranquilizer, depressant.

Generally speaking, the manufacturers of these drugs do not put with horses.

## Federal Bill Introduced

Early in May, Congressman Bruce Vento (Minn.) and Senator David Pryor (Ark.) introduced companion bills in the House and the Senate to prohibit the drugging of horses prior to a race. HSUS investigator Marc Paulhus was directly involved in the writing of this bill. Called "The Corrupt Horse Racing Practices Act," this bill would:

- ✓ Establish minimum standards for the medication of racehorses and allow states to adopt more stringent standards. The burden is placed on owners or trainers who knowingly enter a drugged horse in a race. The burden is also placed on track officials



The horse down on the track had to be destroyed. It was only the second race of this 3-year-old's career. In states where figures have been kept, a careful analysis shows more than a 100% increase in the number of breakdowns since the relaxation of drug rules.

## The Vicious Cycle: Economics, Longer Seasons, and Drugs

*If thoroughbred horses are so valuable, why do owners, trainers, and veterinarians allow the drugging to continue? Doesn't it make more sense to rest a horse that is injured? Why ruin a horse for a lifetime by drugging him so he can run in one more race?*

To the layman, these kinds of questions are logical. They help the uninitiated convince themselves that there can't possibly be a real problem at the tracks.

Unfortunately, the pocketbook speaks louder than the logic. Short term economics have taken precedence over the well-being of the horses. States seeking added revenues have pressured racing commissions to expand racing calendars. Trainers who do not own the animals but are anxious to keep them running have resorted to pain-killing drugs instead of rest and recuperation. Racing secretaries have the need to find enough horses to race. Horsemen have demanded a relaxation of drugging rules. And the cycle goes on.

Some states have considered restricting drugs at the tracks. But the trainers have stepped in and said they would strike, or refuse to race in that state. So, many racing commissions have dropped their reform ideas. Recently the state of Maryland succumbed to the "blackmail" of horsemen. Maryland's Racing Commission held hearings on pre-race drugging at which HSUS was a key participant and unanimously adopted a no-drug rule. Within a month the Commission acted to weaken its own ruling under pressure from horsemen.

Dollars have spoken louder than humane concerns. If left up to the states, the drugging problem will continue its vicious cycle. The only solution is federal intervention with a minimum standards program of testing and enforcement.

who fail to disqualify horses after they have been notified that a horse has been drugged, or if a horse is not made available for tests.

- ✓ Require that all horses entered in a race have blood tests no later than four hours before a race. It requires an examination within one hour of a race and a urine or saliva test immediately after a race is completed.

✓ Require that racetracks provide space for the establishment of testing facilities so that the testing requirements of the bill can be followed.

- ✓ Establish stringent penalties and fines for drugging horses including suspending horses for at least six months and fines of not more than \$25,000 and/or imprisonment for up to three years.

During the introduction of this bill in the Senate, Senator Pryor said:

*I believe that the passage of this legislation will benefit all those connected with the sport of horse racing and will provide for the better treatment and health of racehorses. The bill will provide for a program which will eliminate drug abuses and reduce injuries to both horses and riders. The need for this federal legislation arises from the fact that, although horses race in many states and betting is now interstate, the laws pertaining to racing, permissible drugs, and testing vary greatly with each jurisdiction. The establishment of uniform rules would be very difficult to accomplish on a state by state basis. The bill will provide for a program established under the Drug Enforcement Administration of the Justice Department of uniform standards which will be administered by each state. States which qualify may be exempt from the federal program and administer their own program.*

Other sponsors of the bill in the House include Berkley Bedell (IA), V. Lamar Gudger (NC), Peter Kostmayer (PA), Robert McClory (IL), Richard Nolan (MN), Thomas F. Railsback (IL), Ted Weiss (NY), and Larry Winn, Jr., (KN).

Other humane organizations which have contributed to this effort are the American Horse Protection Association, the Illinois Hooved Animal Humane Society, and the Bucks County SPCA (PA).

## How They Affect Horses

### COMMENTS

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"Alleviating inflammation resulting from tissue injury may restore or contribute to increased function but it does not alleviate the clinical condition. This must be accomplished by the normal healing process."

—Manufacturer's comment

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Human drug. Illegal to use except by prescription. Prior to the development of a specific test for this drug in 1978, it was widely used. May still be used in jurisdictions with inadequate testing programs.

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### Some Common Track Drugs: How They Affect Horses

DRUG	RESULT	COMMENTS
Phenylbutazone "bute"—nickname Butazolidin—brand name	Bute is an anti-inflammatory painkilling drug. It may cause ul- ceration of mouth and tongue. Allows sore, injured, or lame horses to race.	"Alleviating inflammation resulting from tissue injury may restore or contribute to increased function but it does not alleviate the clinical condition. This must be accomplished by the normal healing process." —Manufacturer's comment
Furosemide Lasix—brand name	Supposedly used to control nose- bleeds. Makes it difficult to detect other drugs in urine. Has been known to reduce the concentra- tion of illegal drugs by 40-50 fold.	Only approved as a diuretic. Can increase risk of circulatory col- lapse, thrombosis, embolism, and electrolyte imbalance.
Adrenal Corticosteroids cortisone prednisone etc.	Reduction or halting of inflam- mation. Continuous use leads to bone decalcification making frac- tures more likely. Interferes with body's immune system and causes poor functioning of the adrenal glands. Known to cause tem- porary sterility.	Corticosteroids do not cure any specific inflammation-producing disease.
Sublimaze "Rocket fuel"—nickname	Narcotic. More powerful than morphine. Stimulant in horses.	Human drug. Illegal to use except by prescription. Prior to the development of a specific test for this drug in 1978, it was widely used. May still be used in juris- dictions with inadequate testing programs.
Stadol	Narcotic antagonist, pain killer. Stimulant in horses.	Human drug. Illegal to use except by prescription. Undetectable by racing labs until 1979.
Acupan	Powerful synthetic analgesic, stimulant in horses.	Illegal in race tracks.
Procalne	Local anesthetic and stimulant.	Occasionally detected.
Acepromazine	Tranquillizer, depressant.	Favorite drug of known race fixer Tony Ciulla. Used to insure cer- tain horses lose race. Testing is inadequate since many states only test samples from winners and favorites.

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# Drugs Are Destroying Horse Racing!

## Damage to Horses

- Even though the number of racehorses and the number of races have increased significantly over the past 30 years, the average number of drugs per horse has dropped.
- The drugs used on racehorses have toxic side effects which often hamper the healing process and in some cases cause new maladies.
- In Illinois, 98% of the horses that had to be destroyed on Chicago racetracks between March and December of 1976 were racing with Bute in their systems.
- The 1979 statistics for California thoroughbred tracks document 1 breakdown for every 257 starting horses. With horses racing approximately 9.4 times annually, this indicates that 1 out of every 27 horses will suffer a breakdown. California was the first major state to legalize Bute.

## Damage to Jockeys

- In 1978, the Jockeys' Guild reported that 2,000 spills were experienced among its 1,800 members, resulting in the hospitalization of 1,500 riders for 2 weeks or more, 4 deaths, and the paralyzation of 4 other jockeys.

## Damage to the Breeding Industry

- Certain drugs such as corticosteroids and synthetic hormones are known to be a factor in temporary or even permanent infertility in stallions and brood mares.
- With the use of pain-killing drugs, a horse may have a successful racing career despite poor conformation or inheritable weakness. If selected as breed stock on the basis of a successful performance while under the influence of drugs, the horse may pass along his defects to his or her progeny. This will lead to an eventual deterioration of the breed's gene pool.

## Damage to Bettors

- Bettors are cheated and deceived when wagering on drugged horses. Even though some states require posting of those horses on legal drugs, laymen cannot be expected to understand the side effects of these medications. Furthermore, current test procedures are often inadequate to detect out horses on illegal drugs which often used to stimulate or depress a racehorse's performance.
- Some so-called legal drugs are being used to mask or cover up illegal stimulants and depressants in order to manipulate the performance of the horse.

# What You Can Do to Stop The Drugging Now!

- ✓ Write to your senators and congressmen. Urge them to support Senate Bill (S. 2636) or House Bill (HR 7254).

## Senate Address

The Honorable \_\_\_\_\_  
Senate Office Building  
Washington, D.C. 20510

## House Address

The Honorable \_\_\_\_\_  
House Office Building  
Washington, D.C. 20510

- ✓ Write "thank you" letters to the sponsors of the bill to let them know you support their humanitarian efforts.
- ✓ Use the elements of the Close-Up Report to write a Letter to the Editor of

your local newspaper. Send copies of published letters to HSUS.

- ✓ Write to the Governor of your state. Ask the Governor to endorse "The Corrupt Horse Racing Practices Act."

- ✓ Send for the new HSUS handout "Breakdown." Give it to your friends. (1 free, 100/\$2.00). Hand it out at race tracks.

- ✓ Support HSUS efforts to end the drugging of racehorses by speaking out in service or recreational clubs that you belong to. Send for additional copies of this report to give to friends (10¢ each). Help spread the word.

- ✓ Write to your state racing commission. Ask them to take a stand in favor of the new law.

## HORSE RACING STATES WITH PARI-MUTUEL BETTING

STATE	THOROUGHBRED	HARNESS	QUARTER HORSE
Arizona	■		■
Arkansas	■		
California	■	■	■
Colorado	■		■
Connecticut	No track of their own but participate via closed circuit TV in off track betting		
Delaware	■	■	
Florida	■	■	■
Idaho	■		■
Illinois	■	■	■
Kentucky	■	■	■
Louisiana	■		■
Maine	■	■	
Maryland	■	■	■
Massachusetts	■	■	■
Michigan	■	■	■
Montana	■		■
Nebraska	■		■
Nevada	■		■
New Hampshire	■	■	
New Jersey	■	■	
New Mexico	■		■
New York	■	■	■
Ohio	■	■	■
Oregon	■		■
Pennsylvania	■	■	■
South Dakota			■
Vermont		■	
Washington	■		
West Virginia	■		
Wyoming			■

# Support HSUS Efforts To Clean Up Horse Racing!

The passage of The Corrupt Horse Racing Practices Act and the implementation of minimum standards to control the use of drugs in horse racing is a major goal of The HSUS. The realization of this goal will be a giant step for animals!

The HSUS has spent the last two years testifying before state racing commissions, investigating tracks, meeting with equine veterinarians and doing all of the homework necessary to help make this a successful campaign. We are grateful for your sup-

port throughout this difficult process.

The end is in sight. Your continued help is essential if The HSUS is to maintain maximum pressure on all parties concerned. A contribution at this time will help support our expanded program of testifying before state racing commissions, tracking down suspected drug abuses, and working for better laws and regulations.

Use the prepaid envelope accompanying this report to send your tax-deductible donation today.



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(202) 452-1100

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Additional copies of this report available for \$1.00 each.

96TH CONGRESS  
2D SESSION

# H. R. 7254

To prohibit the drugging or numbing of racehorses and related practices, and to amend title 18, United States Code, to prohibit certain activities conducted in interstate or foreign commerce relating to such practices.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 1980

Mr. VENTO (for himself, Mr. GUDGER, Mr. MCCLORY, Mr. NOLAN, Mr. RAILSBACK, Mr. SYNAR, Mr. WEISS, and Mr. WINN) introduced the following bill; which was referred jointly to the Committees on Interstate and Foreign Commerce and the Judiciary

---

## A BILL

To prohibit the drugging or numbing of racehorses and related practices, and to amend title 18, United States Code, to prohibit certain activities conducted in interstate or foreign commerce relating to such practices.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be referred to as the "Cor-  
5 rupt Horseracing Practices Act of 1980".

## 1 DEFINITIONS

## 2 SEC. 2. As used in this Act—

3 (1) the term "Administrator" means the Adminis-  
4 trator of the Drug Enforcement Administration, De-  
5 partment of Justice;

6 (2) the term "drugging," when used with respect  
7 to a horse entered in a horserace, means the adminis-  
8 tering to a racehorse of any substance, foreign to the  
9 natural horse, prior to the start of a horserace;

10 (3) the term "numbing," when used with respect  
11 to a horse entered in a horserace, means the applying  
12 of ice, dry ice, a cold pack, or a chemical or mechani-  
13 cal freezing device to the limbs of a racehorse within  
14 ten hours before the start of such horserace, or a surgi-  
15 cal or other procedure, which was, at any time, per-  
16 formed in which the nerves of such horse were sev-  
17 ered, destroyed, or removed;

18 (4) the term "horserace" means any race of  
19 equine animals in any State in which parimutuel bet-  
20 ting on the outcome of such race is permitted in such  
21 State;

22 (5) the term "entered," when used with respect to  
23 a horserace, means that a horse has been registered  
24 with the racing secretary or other authorized racing of-  
25 ficial as a participant in a specified race, and not with-

1 drawn prior to presentation of the horse for inspection  
2 and testing pursuant to section 6(a).

3 (6) the term "State" means any of the several  
4 States, the District of Columbia, the Commonwealth of  
5 Puerto Rico, the Commonwealth of Northern Mariana  
6 Islands, the Virgin Islands, Guam, American Samoa,  
7 and the Trust Territory of the Pacific Islands.

8 FINDINGS

9 SEC. 3. The Congress finds that—

10 (1) the practice of drugging or numbing a race-  
11 horse prior to a horserace—

12 (A) corrupts the integrity of the sport of  
13 horseracing and promotes criminal fraud in such  
14 sport,

15 (B) misleads the wagering public and those  
16 desiring to purchase such horse as to the condi-  
17 tion and ability of such horse,

18 (C) poses an unreasonable risk of serious  
19 injury or death to the rider of such horse and to  
20 the riders of other horses competing in the same  
21 race, and

22 (D) is cruel and inhumane to the horse so  
23 drugged or numbed;



1           (2) the practice of drugging or numbing a race-  
2 horse adversely affects and burdens interstate com-  
3 merce; and

4           (3) criminal penalties and other sanctions are nec-  
5 essary in order to prevent and eliminate such practices.

6                               PROHIBITED CONDUCT

7       SEC. 4. The following conduct is prohibited:

8           (1) the entering of a horse in a horserace by the  
9 trainer or owner of such horse if such trainer or owner  
10 knows or if by the exercise of reasonable care such  
11 trainer or owner should know that such horse is  
12 drugged or numbed;

13          (2) the drugging or numbing of a racehorse with  
14 knowledge or with reason to believe that such horse  
15 will compete in a horserace while so drugged or  
16 numbed: *Provided*, That the Administrator may by reg-  
17 ulation establish permissible trace levels of substances  
18 foreign to the natural horse that he determines to be  
19 innocuous;

20          (3) the willful failure by the operator of a horse-  
21 racing facility to disqualify a horse from competing in a  
22 horserace if such operator has, in accordance with sec-  
23 tion 6(a) of this Act, been notified that such horse is  
24 drugged or numbed, or was not properly made availa-

1 ble for tests or inspections as required under such sec-  
2 tion; and

3 (4) the willful failure by the operator of a horse-  
4 racing facility to prohibit a horse from racing if such  
5 operator has, in accordance with section 5(f) of this  
6 Act, been notified that such horse has been suspended  
7 from racing.

8 PENALTIES AND ENFORCEMENT POWERS

9 SEC. 5: (a) CRIMINAL PENALTIES.—(1)(A) Except as  
10 provided in subparagraph (B) of this paragraph, any person  
11 who violates any provision of section 4 of this Act shall, upon  
12 conviction thereof, be fined not more than \$10,000, or im-  
13 prisoned for not more than one year, or both.

14 (B) Any person who violates section 4 of this Act and  
15 who has been previously convicted for a violation of such  
16 section shall be fined not more than \$25,000, or imprisoned  
17 for not more than three years, or both, upon conviction.

18 (2)(A) Whoever forcibly assaults, resists, opposes, im-  
19 pedes, intimidates, or interferes with a person while such  
20 person is engaged in or on account of the performance by  
21 such person of any official duties delegated to such person  
22 under this Act shall be fined not more than \$25,000, or im-  
23 prisoned not more than three years, or both.

24 (B) Whoever, in the commission of any of the acts re-  
25 ferred to in subparagraph (A) of this paragraph, uses or

1 threatens to use a deadly or dangerous weapon shall be fined  
2 not more than \$50,000, or imprisoned not more than ten  
3 years, or both.

4 ~~(C) Whoever kills a person while such person is engaged~~  
5 ~~in or on account of the performance by such person of any~~  
6 ~~official duties of such person under this Act shall be punished~~  
7 ~~as provided in sections 1111 and 1112 of title 18 of the~~  
8 ~~United States Code.~~

9 (3) Whoever knowingly makes, or causes to be made, a  
10 false entry or statement in a report or account required to be  
11 made under this Act; knowingly fails to make full, true, and  
12 correct entries in such records; removes any such documen-  
13 tary evidence out of the jurisdiction of the United States;  
14 mutilates, alters, or by any other means falsifies any such  
15 documentary evidence; or refuses to submit any documentary  
16 evidence to the Administrator for inspection and copying  
17 shall be guilty of an offense against the United States, and  
18 upon conviction thereof shall be fined not more than \$25,000,  
19 or imprisoned for not more than three years, or both.

20 (b) DISQUALIFICATIONS OF OFFENDERS.—(1) Except  
21 as provided in paragraph (2) of this subsection, any person  
22 who violates any provision of this Act shall, upon conviction  
23 thereof, by order of the Administrator, be disqualified from  
24 entering a horse in a horserace, operating a horseracing fa-

1 cility, or performing for gain any service rendered in connec-  
2 tion with horseracing, for a period not to exceed one year.

3 (2) Any person who violates any provision of this Act  
4 and who has been previously convicted for a violation of such  
5 Act shall, by order of the Administrator, be disqualified from  
6 entering a horse in a horserace, operating a horseracing fa-  
7 cility, or performing for gain any service rendered in connec-  
8 tion with horseracing, for a period not to exceed five years.

9 (c) CIVIL PENALTIES; REVIEW AND ENFORCEMENT.—

10 (1)(A) Any person who knowingly violates an order of dis-  
11 qualification issued under subsection (b) of this section shall  
12 be liable to the United States for a civil penalty of not more  
13 than \$15,000 for each such violation.

14 (B) The operator of a horseracing facility which know-  
15 ingly allows a person to enter a horse in a horserace or per-  
16 form for gain any service rendered in connection with horse-  
17 racing in violation of an order of disqualification entered under  
18 subsection (b) of this section shall be liable to the United  
19 States for a civil penalty of not more than \$15,000 for each  
20 such violation.

21 (2) No civil penalty shall be assessed against any person  
22 under paragraph (1) of this subsection unless such person is  
23 given notice and an opportunity for a hearing before the Ad-  
24 ministrator with respect to such violation. The amount of any  
25 such civil penalty shall be assessed by the Administrator by

1 written order. In determining the amount of such penalty, the  
2 Administrator shall take into account all factors relevant to  
3 such determination, including the nature, circumstances,  
4 extent, and gravity of the prohibited conduct, and, with re-  
5 spect to the person found to have engaged in such conduct,  
6 the degree of culpability, any history of prior offenses, ability  
7 to pay, effect on ability to continue to do business, and such  
8 other matters as justice may require.

9 (3) Any person ~~as~~ to whom a civil penalty is assessed  
10 under paragraph (1) of this subsection may obtain review in  
11 the court of appeals of the United States for the circuit in  
12 which such person resides or has his place of business or in  
13 the United States Court of Appeals for the District of Colum-  
14 bia by filing a notice of appeal in such court within thirty  
15 days after the date of such order and by simultaneously send-  
16 ing a copy of such notice by certified mail to the Administra-  
17 tor. The Administrator shall promptly file in such court a  
18 certified copy of the record upon which such violation was  
19 found and such penalty assessed, as provided under section  
20 2112 of title 28 of the United States Code. The findings of  
21 the Administrator shall be set aside if found to be unsup-  
22 ported by substantial evidence.

23 (4) If a person fails to pay an assessment of a civil pen-  
24 alty after it has become a final and unappealable order, or, if  
25 an appeal is taken, after the appropriate court of appeals has

1 entered final judgment in favor of the Administrator, the Ad-  
2 ministrator shall refer the matter to the Attorney General,  
3 who shall recover the amount assessed in any appropriate  
4 district court of the United States. In such recovery action,  
5 the validity and appropriateness of the final order imposing  
6 the civil penalty shall not be subject to review.

7 (d) SUSPENSION OF HORSE FROM RACING.—(1) Any  
8 racehorse found to have been drugged or numbed in violation  
9 of this Act shall, subject to paragraph (2) of this subsection,  
10 be suspended from competing in any horserace for a period of  
11 six months for the first infraction, and for a period of not less  
12 than twelve months for each subsequent infraction.

13 (2) No racehorse shall be suspended under paragraph (1)  
14 of this subsection unless the owner of such horse is given  
15 notice and an opportunity for a hearing before the Adminis-  
16 trator within two weeks after the date on which the infrac-  
17 tion referred to in such paragraph is discovered. The appeal  
18 procedure set forth in subsection (c)(3) of this section shall  
19 apply with respect to any suspension order made in a hearing  
20 conducted under this paragraph.

21 (e) NOTIFICATION OF SUSPENSIONS AND DISQUALIFI-  
22 CATIONS.—Notification of all suspensions and disqualifica-  
23 tions under this section shall be transmitted to the operator of  
24 each horseracing facility in accordance with such procedures  
25 as the Administrator shall by regulation prescribe.

1 (f) MODIFICATION OF PENALTIES.—The Administrator  
2 may, in his discretion, compromise, modify, or remit, with or  
3 without conditions, any civil penalty, disqualification, or sus-  
4 pension assessed under this subsection.

5 (g) PRODUCTION OF WITNESSES, BOOKS, PAPERS,  
6 AND DOCUMENTS; DEPOSITIONS; FEES; JURISDICTION.—

7 (1) The Administrator may require by subpoena the attend-  
8 ance and testimony of witnesses or the production of books,  
9 papers, or other documentary evidence relating to any matter  
10 under investigation or the subject of a proceeding under this  
11 Act. Witnesses summoned before the Administrator shall be  
12 paid the same fees and mileage as are paid witnesses in the  
13 courts of the United States.

14 (2) The attendance of witnesses and the production of  
15 books, papers, and documents, may be required at any desig-  
16 nated place from any place in the United States. In case of  
17 refusal to obey a subpoena served upon a person under this  
18 Act, the Administrator, or any party to a proceeding held  
19 before the Administrator under this Act, may petition the  
20 district court of the United States for the district in which  
21 such person is found, resides, or transacts business, to issue  
22 an order requiring such person to comply with such subpoena.

23 (3) The Administrator may order testimony to be taken  
24 by deposition under oath in any proceeding or investigation  
25 pending before him, at any stage of such proceeding or inves-

1 tigation. A deposition may be taken before any person desig-  
2 nated by the Administrator who has power to administer  
3 oaths. The Administrator may require the production of rele-  
4 vant books, papers, or other documentary evidence at the  
5 taking of such a deposition.

6 (4) Witnesses whose depositions are taken and the per-  
7 sons taking them shall be entitled to the same fees as are  
8 paid for like services in the courts of the United States.

9 (5) The United States district courts, the District Court  
10 of Guam, the District Court of the Virgin Islands, the highest  
11 court of American Samoa, and the United States courts of  
12 the other territories are vested with jurisdiction specifically to  
13 enforce, and to prevent and restrain violations of this Act,  
14 and shall have jurisdiction in all other kinds of cases arising  
15 under this Act.

16 (h) DETENTION OF HORSES; SEIZURE AND CONDEM-  
17 NATION OF EQUIPMENT.—(1) A person appointed under sec-  
18 tion 6 of this Act may detain (for a period not to exceed  
19 twenty-four hours) for examination, testing, or the taking of  
20 evidence, any horse at a horserace which is drugged or  
21 numbed, or which such veterinary doctor, based upon the  
22 results of an inspection, test, or other procedure conducted  
23 under such section, has probable cause to believe is drugged  
24 or numbed. Any horse which is detained subject to this para-  
25 graph shall not, during such detention, be moved from the



1 place where such horse is so detained except as authorized  
2 by such veterinary doctor.

3 (2) Any equipment, device, paraphernalia, or substance  
4 used in violation of any provision of this Act or any regula-  
5 tion issued thereunder, or which contributed to the drugging  
6 or numbing of any horse at or prior to any horserace; shall be  
7 liable to be proceeded against by process of libel for the seiz-  
8 ure and condemnation of such equipment, device, parapher-  
9 nalia, or substance, in any United States district court within  
10 the jurisdiction in which such equipment, device, parapherna-  
11 lia, or substance is found. Such proceedings shall conform as  
12 nearly as possible to proceedings in rem in admiralty.

13 INSPECTIONS, TESTS, AND RECORDS

14 SEC. 6. (a) APPOINTMENT OF PERSONNEL.—For pur-  
15 poses of detecting violations of this Act, the Administrator  
16 shall appoint qualified veterinary doctors, biochemists, and  
17 such other personnel as the Administrator considers neces-  
18 sary. Such veterinary doctors, biochemists, and other person-  
19 nel shall, in accordance with such procedures as the Adminis-  
20 trator shall by regulation prescribe—

21 (1) analyze the blood sample which shall be taken  
22 from each horse entered in a horserace no later than  
23 four hours before the start of such horserace to deter-  
24 mine if such horse has been drugged;

1           (2) examine each horse entered in a horserace  
2       within one hour before the start of such horserace to  
3       determine if such horse has been numbed;

4           (3) analyze samples of urine or saliva which shall  
5       be taken immediately after a horserace from horses  
6       that competed in such race, to determine if such horses  
7       have been drugged;

8           (4) perform such other similar tests and inspec-  
9       tions as the Administrator considers necessary to carry  
10      out this Act;

11          (5) store blood, urine and saliva samples in a  
12      frozen state or in any other appropriate manner so that  
13      they may be preserved for future analysis.

14   The identity of any racehorse determined under this subsec-  
15   tion to be drugged or numbed shall, in accordance with such  
16   procedures as the Administrator shall by regulation pre-  
17   scribe, be reported to the operator of the horseracing facility,  
18   the Administrator, and the appropriate United States Attor-  
19   ney. The identity of any racehorse not made available, in  
20   accordance with such regulations as the Administrator shall  
21   prescribe, for any test or inspection required under this sub-  
22   section shall likewise be reported to such operator.

23          (b) TESTING FACILITIES.—(1) The operator of a horse-  
24   racing facility shall, in accordance with such regulations as  
25   the Administrator shall prescribe, provide the Administrator

1 with adequate space and facilities in order that the inspec-  
2 tions, tests, and other procedures described in subsection (a)  
3 of this section may be performed. Access to such space and  
4 facilities shall be restricted in accordance with such regula-  
5 tions as the Administrator shall prescribe.

6 (2) Any horseracing facility which fails to comply with  
7 paragraph (1) of this subsection shall, by order of the Admin-  
8 istrator, be disqualified from holding horseraces while such  
9 facility remains in noncompliance with such paragraph. The  
10 operator of a horseracing facility which violates such an  
11 order shall be liable to the United States for a civil penalty of  
12 not less than \$10,000, and not more than \$250,000 for each  
13 day of such noncompliance.

14 (3) The provisions of sections 5 (c) and (f) of this Act,  
15 relating to the assessment, review, collection, and compro-  
16 mise, modification, or remission of a civil penalty apply with  
17 respect to civil penalties under this subsection.

18 (c) RECORDKEEPING AND REPORTING REQUIRE-  
19 MENTS; AVAILABILITY OF RECORDS.—The operator of any  
20 horseracing facility shall establish and maintain such records,  
21 make such reports, and provide such information as the Ad-  
22 ministrator may by regulation reasonably require for the pur-  
23 pose of implementing this Act or to determine compliance  
24 with this Act. Upon request of an officer or employee duly  
25 designated by the Administrator, such operator shall permit

1 entry at all reasonable times for the inspection and copying  
2 (on or off the premises) of records required to be maintained  
3 under this subsection.

4 USE OF EMPLOYEES OF DRUG ENFORCEMENT ADMINIS-  
5 TRATION AND OF CONSENTING STATES; RESEARCH  
6 STUDIES

7 SEC. 7. (a) The Administrator, in carrying out this Act,  
8 shall utilize, to the maximum extent practicable, the existing  
9 personnel and facilities of the Drug Enforcement Administra-  
10 tion, Department of Justice. The Administrator is further au-  
11 thorized to utilize the officers and employees of any State,  
12 with its consent, and with or without reimbursement, to  
13 assist him in carrying out the provisions of this Act.

14 (b) The Administrator shall conduct research studies to  
15 develop methods and techniques to identify drugging and  
16 numbing practices. The Administrator may contract for such  
17 studies with universities, schools of veterinary medicine or  
18 other institutions or individuals having special expertise in  
19 the detection of drugging and numbing.

20 STATE EXEMPTIONS

21 SEC. 8. At the request of the chief executive of any  
22 State, the Administrator shall exempt that State from the  
23 operation of this Act if he finds that the State has enacted  
24 and put into operation a comparable program to prohibit the  
25 drugging and numbing of racehorses. In determining whether

1 the State program is comparable, the Administrator shall ex-  
2 amine the practices prohibited by State law, the inspections  
3 and tests required, and the penalties imposed. The  
4 Administrator shall review the operations of each exempted  
5 State's program on an annual basis and shall revoke the  
6 exemption if the program fails to meet the objectives of this  
7 Act. The assessment provided for in section 11 of this Act  
8 shall not be levied in any exempted State.

9

#### REPORTS TO CONGRESS

10 SEC. 9. On or before the expiration of eighteen calendar  
11 months following July 1, 1980, and every twenty-four calen-  
12 dar months thereafter, the Administrator shall submit to  
13 Congress a report upon the matters covered by this Act,  
14 including enforcement and other actions taken thereunder,  
15 together with such recommendations for legislative and other  
16 action as the Administrator deems appropriate.

17

#### AUTHORIZATION OF APPROPRIATIONS AND FEES

18 SEC. 10. There are authorized to be appropriated to  
19 carry out this Act \$5,000,000 for the period beginning July  
20 1, 1980, and ending September 30, 1981. For the fiscal year  
21 beginning October 1, 1981, and each fiscal year thereafter  
22 the Administrator may, in order to meet the costs necessary  
23 to carry out this Act, assess a daily fee for each racing day  
24 upon the operator of every horseracing facility subject to the  
25 provisions of this Act. Such fees may vary to take into

1 account the size of the facility, and shall be assessed and  
2 collected in accordance with such procedures as the Adminis-  
3 trator shall by regulation prescribe.

4 AMENDMENT TO TITLE 18 OF THE UNITED STATES CODE

5       SEC. 11. Section 1952(b) of title 18, United States  
6 Code, relating to interstate and foreign travel or transporta-  
7 tion in aid of racketeering enterprise, is amended by inserting  
8 immediately before the period, "or any act committed in vio-  
9 lation of section 4 of the Corrupt Horse Racing Practices Act  
10 of 1980".

11                               EFFECTIVE DATE

12       SEC. 12. This Act shall be effective beginning six  
13 months following date of enactment.



FBI

Date: 6/13/80

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Precedence)

TO: DIRECTOR, FBI

FROM: SAC, CHICAGO (172-67) (SQ. 18) (P)

THE MISUSE OF DRUGS IN  
HORSE RACING;  
POSSIBLE SPORTS BRIBERY MATTER  
 OO: CHICAGO

Re Butel to Chicago dated 5/15/80, and Chicago  
 telcall to Bureau Supervisor [redacted] 6/10/80.

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Enclosed for the Bureau are the following:

1. Six copies of LHM dated and captioned as above.
2. One copy of booklet entitled "The Misuse of Drugs in Horse Racing" by Robert O. Baker.
3. One copy of a Humane Society of the United States Close-up Report entitled "Drugs and Horse Racing".
4. One copy of H. R. 7254.

ice DD  
 cc EID  
 Am 3056  
 or  
 (2)-Bureau (enc. 11)  
 2-Albuquerque (enc)  
 1-Chicago  
 GSB/dlh  
 (5)

ENCLOSURE

OC-CID

ENCLOSURE

9

JUN 21 1980

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Approved: \_\_\_\_\_

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

CG 172-67

5. One copy of a special report of the Equine Practitioner entitled "Federal Drug Control Inevitable: [ ] Warns." ✓

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6. One copy of an excerpt from the Congressional Record, Volume 126, Number 69, dated May 1, 1980. ✓

Enclosed for Albuquerque are two copies of above LHM.

For the information of the Bureau, on 5/14/79, [ ] Illinois, was interviewed by the Chicago Office in connection with case captioned "[ ] VETERINARIAN; [ ] VETERINARIAN; RICO - NARCOTICS; POSSIBLE CORRUPTION OF PUBLIC OFFICIALS, OO: CHICAGO, CG FILE 183-812". (This investigation is summarized in enclosed LHM.)

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On 6/5/80, [ ] Supra, was reinterviewed by the Chicago Office. The information furnished was substantially the same as that furnished in May, 1979. (A copy of the interview of [ ] is included in enclosed LHM.)

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During the course of the interview with [ ] [ ] she advised that she did not want the name of the individuals whom she has contacted made available to authorities in Illinois because she fears that the State and/or Illinois Racing Board will take punitive action against them.

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[ ] also advised that she has been in contact with Congressman Robert McClory (Republican-Illinois) and that McClory has sponsored legislation to control the drugging of race horses. This bill

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CG 172-67

(H.R. 7254) was introduced in the U.S. House of Representatives on 5/1/80, and is known as the "Corrupt Horse Racing Practices Act of 1980". Under the provisions of the bill, administration would be assigned to the Drug Enforcement Agency.

For the information of the Bureau, Chicago files do not contain any information which would substantiate or disprove allegations made by

[REDACTED]

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The widespread use of legal drugs in horse racing in many parts of the country is a known fact. There is also considerable controversy among people involved in horse racing regarding the use of drugs. There have been instances where illegal drugs have been discovered in Illinois and disciplinary action has been taken by the Illinois Racing Board.

The problem of drugs in horse racing, as it now exists, is essentially one to be handled by the individual states involved in horse racing.

Chicago is not in a position to assess the national situation regarding the use of drugs in horse racing.

In the state of Illinois horse racing is governed by the Illinois Racing Board and Illinois also has a division of the Illinois Department of Law Enforcement assigned to investigate violations of criminal law in connection with horse racing within the state. There is no evidence to suggest that either the Illinois Racing Board or the Illinois Department of Law Enforcement is incapable of or not willing to enforce state laws regarding horse racing.

CG 172-67

The existence of widespread controversy on the subject of drugs in horse racing is evidence that a problem exists. The Chicago Division feels, that at present, this problem as it relates to the federal government, is being addressed by the Congress of the United States, and that this is the proper form for a redress of any inequities which may now exist among the states engaged in the sport of horse racing.

Although [ ] has indicated a situation housing many possibilities for abuse, she has failed to indicate any specific violations of federal law which would warrant investigation by the FBI at this time.

The allegation of possible conflict of interests on the part of [ ] was presented to the U.S. Attorney, Chicago, Illinois, last year and prosecution was declined. There are no new allegations regarding [ ] since [ ] was interviewed in 1979.

The Chicago Division is aware of the various violations of federal law which can be associated with the horse racing industry and will remain alert for any indication of violation of these laws.

It is not felt, however, that the information furnished by [ ] is <sup>to warrant</sup> sufficient legal justification for further investigation by the FBI at this time.

The Albuquerque Division is being advised of the allegation received from [ ]. This matter is being referred to Albuquerque for appropriate investigation.

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CG 172-67

LEAD

ALBUQUERQUE

AT [REDACTED] NEW MEXICO. Will interview  
[REDACTED] telephone [REDACTED]  
re allegations made to [REDACTED] regarding the misuse  
of drugs in horse racing in New Mexico.

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## memorandum

DATE: June 16, 1980

REPLY TO  
ATTN OF

Counselor to the Attorney General

SUBJECT: Correspondence from Congressman McCloryTO: William H. Webster  
Director, FBI

[FEDERAL GOVERNMENT]

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Please refer to my memorandum to you of June 4 concerning Congressman McClory's interest in potential criminal activities involving the doping of racehorses. In case you missed it, I attach hereto a Washington Post column of June 8, 1980, by John A. Hoyt entitled "The Sport of Drugs."

*Title: The Misuse of Drugs in Horse Racing; Possible Sport Betting Matter OO: CG (172-67).*

*[Handwritten signature]*

*[Handwritten signature]*

V-48 DE-19

172-296-4X1

172-297-

17 AUG 1 1980

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*[Handwritten signature]*



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

OPTIONAL FORM NO. 10  
(REV. 7-76)  
GSA FPMR (41 CFR) 101-11.6  
5010-112

OCT 30 1980

*[Handwritten signature]*

#40  
-12018  
EXP. PROC.  
JUN 18 1980  
0861 ST. NAJ

John A. Hoyt

## The Sport of Drugs

Today is the running of the Belmont Stakes, the third jewel in horse racing's triple crown. Everyone who has picked up a paper in the past five weeks knows how Kentucky Derby winner Genuine Risk will attempt to regain her honor by defeating California upstart Coder, the horse that allegedly defeated her in the Preakness. Even if the filly does not win, her future at a posh breeding farm is ensured. But for thousands of other thoroughbreds in the United States, the future will not be so good.

Take Easy Edith. Easy Edith was a 5-year-old mare with arthritic knees and a chronic soreness in the legs. What she really needed before her next race was a few weeks in a pasture. But expenses for a racing thoroughbred are high, and every day Easy Edith was not running was money out of her owner's pocket. So on May 3, 1978, Easy Edith walked onto the track at Pimlico, her knees treated with corticosteroids and her system full of phenylbutazone (Bute), an analgesic administered before the race to numb her pain. Her pain decreased, Easy Edith ran hard on her damaged legs—too hard. Somewhere around the final turn, her left fore cannon bone shattered, and Easy Edith went down, causing three other horses to fall with her. Two jockeys were injured in the fall, and a third, Robert Pineda, was killed. Easy Edith was destroyed by the state veterinarian on the track.

Although no one knows to what extent the Bute or steroids were responsible for Easy Edith's breakdown, an "out-of-court" settlement was



reached last week in a civil suit filed by Pineda's heirs against Easy Edith's trainer and owner, three veterinarians and the Maryland Jockey Club. It was reported that Pineda's heirs were awarded a six-figure settlement after alleging that the jockey's death was directly attributable to the drugs administered to Easy Edith.

For every one Genuine Risk there are thousands of Easy Ediths—cheap claimers past their

prime whose windings barely earn their own keep. The abuse of medication to keep those horses running has become so widespread that the "sport of kings" is rapidly being reduced by some "the sport of drugs."

Over the past few years, many states have adopted liberal drug policies, allowing horses to run that otherwise would not. In addition to the "legal" drugs Bute and Lasix—a diuretic

not yet proven effective as a remedy for so-called bleeders—some trainers have also taken to using such narcotics as Demerol, methadone and morphine, and then masking them with allowable substances.

Even in the states where Bute and Lasix are banned, track enforcement is often lackadaisical. It has been estimated that several thousand drugs can be used to manipulate a race horse's performance. Yet track chemists routinely screen for fewer than 100 compounds. Some are so effective that chemists don't even know how to screen for them. Only in 1973 was a test developed to detect Sublimaze, a pain-killing narcotic classified as a Schedule II controlled substance in the United States.

Drugs permit unfit horses to race; the result is often to aggravate existing injuries and shorten horses' careers. Often medications administered have toxic side effects or make the horses temporarily or permanently sterile. In states where figures have been kept, breakdowns like Easy Edith's have increased more than 100 percent since permissive medication policies went into effect. As the number of breakdowns increases, so does the number of injuries to riders. The Jockey's Guild estimated that in 1973, approximately 2,000 jockeys fell down with their mounts. Four died, four were paralyzed and 1,500 were hospitalized for longer than two weeks.

Public outcry has recently prompted some states to take action against excessive drug use, but many reforms have been little more than cosmetic. One problem is that state racing commissions fear that if they tighten drug policies too much, horsemen will take their animals to states where drug regulations are more

lenient. Two weeks ago when the Maryland Racing Commission decided to put a complete ban on Bute and restrict Lasix use to confirmed bleeders, the president of the Horsemen's Benevolent Protective Association predicted that the action would prompt many owners to move their horses to Delaware, where the drugs are legal.

For a state to find itself losing horses to another state is more than just a matter of pride. It's big money. Horse racing is the largest spectator sport in America. In 1975, nearly 80 million people attended horse races, and more than \$2.8 billion was bet at the nation's tracks. In 1979, California alone took in \$113.5 million in racing receipts.

The only way to bring about a uniform, effective and well-enforced ban is through federal legislation. Such legislation has already been introduced in the House and Senate and is awaiting the scheduling of hearings. The Corrupt Horse Racing Practices Act would prohibit the racing of drugged horses, provide for both pre-race and post-race testing and establish civil and criminal penalties for violations. The bill would set minimum standards for drugs and allow those states already in compliance with the federal guidelines to administer the program themselves.

The states by themselves cannot curb the current flood of drugging abuses. Horse racing is early an interstate industry and its regulation requires federal assistance. The United States is the only major racing country that does not have a nationwide law on the drugging of racehorses. For the sake of the horses, jockeys and bettors, it is time for that to change.

The writer is president of The Horsemen Society of the United States.

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ENCLOSURE

[Redacted]  
Counselor to the Attorney General

August 8, 1980

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Director, FBI

By Francis M. Mullen, Jr., Acting Director

COMMUNICATION FROM CONGRESSMAN ROBERT MC CLORY  
REGARDING DRUGGING OF RACE AND SHOW HORSES

JBS Litz  
"The misuse of  
Drugs in  
Horse Racing;  
Possible Sports  
Betting Market"

This is in response to your correspondence of May 6th and June 4th requesting the FBI to furnish a realistic assessment regarding the problem of drugging of race and show horses. I am enclosing a Letterhead Memorandum prepared by our Chicago Office covering the results and background information of the leads set forth in your previous letters. The following can be surmised after reviewing this material:

The widespread use of drugs in horse racing in many parts of the country is a known fact and there is considerable controversy among people involved in horse racing regarding the use of those drugs. There have been instances where illegal drugs have been discovered in Illinois and disciplinary action has been taken by the Illinois Racing Board. Recently in Detroit, convictions were obtained in a race fixing scheme wherein drugging of horses was evidenced.

Interviews conducted of [Redacted] and others showed a situation containing possibilities for abuse, but failed to develop specific information which would establish a legal basis for further investigation by the FBI at this time.

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The problem regarding the use of drugs in horse racing is essentially one to be handled by the individual states involved in this sport. These racing states and various controlling horse racing groups have not been able to formulate standard legal guidelines regulating the drugging problem that exists. This problem as it relates to the Federal interest is being addressed by the Congress in the consideration of H.R. 7254, which was introduced on May 1, 1980, by the Honorable Robert McClory of Illinois. This bill is known as the "Corrupt Horse Racing Practices Act of 1980," and under its provisions, administration would be assigned to the Drug Enforcement Administration. It would appear that this is the proper forum for a resolution of this issue.

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IF I can furnish any additional information or help, please let me know.

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Enclosure ED 119

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DESIGNATIONS AND NOTE PAGE TWO

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NOTE: Reply coordinated with SA [Redacted] Organized  
Crime Section, CID, and SA [Redacted] Congressional  
Affairs Unit, OCPA.

APPROVED:

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